

AN ACT

To further amend the Communications Act of 1934.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as “Communications Act
4 Amendments, 1951”.

5 SEC. 2. Subsection (o) of section 3 of the Communica-
6 tions Act of 1934, as amended, is amended to read as
7 follows:

8 “(o) ‘Broadcasting’ means the dissemination of radio
9 communications intended to be received directly by the
10 general public.”

11 SEC. 3. Section 3 of such Act is further amended by
12 adding after subsection (aa) the following:

13 “(bb) The term ‘license’, ‘station license’, or ‘radio
14 station license’ means that instrument of authorization re-
15 quired by this Act or the rules and regulations of the Com-
16 mission made pursuant to this Act, for the use or operation
17 of apparatus for transmission of energy, or communications,
18 or signals by radio, by whatever name the instrument may
19 be designated by the Commission.

AN ACT

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7 follows:

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9 communications intended to be received directly by the
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12 after subsection (aa) the following:

13 “(bb) ‘Station license’, ‘radio station license’, or ‘license’
14 means that instrument of authorization required by this Act
15 or the rules and regulations of the Commission made pursuant
16 to this Act, for the use or operation of apparatus for trans-
17 mission of energy, or communications, or signals by radio,
18 by whatever name the instrument may be designated by the
19 Commission.

Section 3.
(o) “Broadcasting” means the dissemination of radio communications intended to be received by the public, directly or by the intermediary of relay stations.

Senate Bill

1 “(cc) The term ‘broadcast station’, ‘broadcasting sta-
2 tion’, or ‘radio broadcast station’ means a radio station
3 equipped to engage in broadcasting as herein defined.

4 “(dd) The term ‘construction permit’ or ‘permit for
5 construction’ means that instrument of authorization re-
6 quired by this Act or the rules and regulations of the
7 Commission made pursuant to this Act for the installa-
8 tion of apparatus for the transmission of energy, or com-
9 munications, or signals by radio, by whatever name the
10 instrument may be designated by the Commission.

11 SEC. 4. (a) Subsection (b) of section 4 of such Act,
12 as amended, is amended by striking out the last two sen-
13 tences thereof and inserting in lieu thereof the following:
14 “Such Commissioners shall not engage in any other busi-
15 ness, vocation, profession, or employment but this shall not
16 apply to the preparation of technical or professional pub-
17 lications for which reasonable honorarium or compensation
18 may be paid. Any such Commissioner serving as such
19 after one year from the date of enactment of the Commu-
20 nications Act Amendments, 1951, shall not for a period
21 of one year following the termination of his services as
22 a Commissioner represent before the Commission in a pro-
23 fessional capacity any person, including all persons under
24 common control, subject to the provisions of this Act,
25 except that this restriction shall not apply to any Commis-

House Bill

1 “(cc) ‘Broadcast station’, ‘broadcasting station’, or
2 ‘radio broadcast station’ means a radio station equipped to
3 engage in broadcasting as herein defined.

4 “(dd) ‘Construction permit’ or ‘permit for construction’
5 means that instrument of authorization required by this
6 Act or the rules and regulations of the Commission made
7 pursuant to this Act for the construction of a station, or the
8 installation of apparatus, for the transmission of energy, or
9 communications, or signals by radio, by whatever name the
10 instrument may be designated by the Commission.”

11 SEC. 4. (a) Subsection (b) of section 4 of such Act
12 is amended by striking out the last two sentences thereof
13 and inserting in lieu of such sentences the following: “Such
14 commissioners shall not engage in any other business, voca-
15 tion, profession, or employment; but this shall not apply to
16 the preparation of technical or professional publications
17 for which a reasonable honorarium or compensation may
18 be accepted. Not more than four members of the Com-
19 mission shall be members of the same political party.”

Present Act

Section 4.

(b) Each member of the Commission shall be a citizen of the United States. No member of the Commission or person in its employ shall be financially interested in the manufacture or sale of radio apparatus or of apparatus for wire or radio communication; in communication by wire or radio or in radio transmission of energy; in any company furnishing services or such apparatus to any company engaged in communication by wire or radio or to any company manufacturing or selling apparatus used for communication by wire or radio; or in any company owning stocks, bonds, or other securities of any such company; nor be in the employ of or hold any official relation to any person subject to any of the provisions of this Act, nor own stocks, bonds, or other securities of any corporation subject to any of the provisions of this Act. Such commissioners shall not engage in any other business, vocation, or employment. Not more than four commissioners shall be members of the same political party.

Senate Bill

House Bill

Present Act

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1 sioner who has served the full term for which he was
2 appointed. Not more than four members of the Commis-
3 sion shall be members of the same political party."

4 (b) Subsection (f) (1) of section 4 of such Act is
5 amended to read as follows:

6 "(f) (1) Without regard to the civil-service laws or
7 the Classification Act of 1949, as amended, (1) the Com-
8 mission may appoint and prescribe the duties and fix the
9 salaries of a secretary, a chief engineer and not more than
10 two assistants, a chief accountant and not more than two
11 assistants, a general counsel and not more than two assistants,
12 and counsel temporarily employed and designated by the
13 Commission for the performance of specific special services;
14 and (2) each Commissioner may appoint and prescribe the
15 duties of a legal assistant at an annual salary to be fixed
16 by the Commissioner but not to exceed \$10,000 and a
17 secretary at an annual salary not to exceed \$5,600. The
18 chief engineer, the chief accountant, and the general coun-
19 sel shall each receive an annual salary of not to exceed
20 \$11,200; the secretary shall receive an annual salary of
21 not to exceed \$10,000, and no assistant shall receive an
22 annual salary in excess of \$10,000: *Provided*, That on
23 and after one year from the date of enactment of Com-
24 munications Act Amendments, 1951, the secretary of the
25 Commission, the chief engineer and his assistants, the chief

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4 (b) Paragraph (2) of subsection (f) of section 4 of
5 such Act is amended by striking out "(2)" and inserting in
6 lieu thereof "(3)"; and such subsection (f) is further
7 amended by striking out paragraph (1) thereof and insert-
8 ing in lieu of such paragraph the following paragraphs:

9 "(f) (1) The Commission shall have authority, subject
10 to the provisions of the civil-service laws and the Classification
11 Act of 1949, as amended, to appoint such officers, engineers,
12 accountants, attorneys, inspectors, examiners, and other em-
13 ployees as are necessary in the exercise of its functions.
14 "(2) Without regard to the civil-service laws, but sub-
15 ject to the Classification Act of 1949, each commissioner may
16 appoint and fix the compensation of a professional assistant
17 who shall perform such duties as such Commissioner shall
18 direct."

(f) (1) Without regard to the civil-service laws or the Classification Act of 1923, as amended, (1) the Commission may appoint and prescribe the duties and fix the salaries of a secretary, a director for each division, a chief engineer and not more than three assistants, a chief accountant and not more than three assistants,⁵ a general counsel and not more than three assistants, and temporary counsel designated by the Commission for the performance of special services; and (2) each commissioner may appoint and prescribe the duties of a secretary at an annual salary not to exceed \$5,482.80.^{5a} The general counsel and the chief engineer and the chief accountant⁵ shall each receive an annual salary of not to exceed \$10,330; ^{5b} the secretary shall receive an annual salary of not to exceed \$9,706.50; ^{5c} the director of each division shall receive an annual salary of not to exceed \$9,706.50; ^{5c} and no assistant shall receive an annual salary in excess of \$9,706.50.^{5c} The Commission shall have authority, subject to the provisions of the civil-service laws and the Classification Act of 1923, as amended, to appoint such other officers, engineers, accountants, inspectors, attorneys, examiners, and other employees as are necessary in the executions of its functions.

(2) The Commission shall fix a reasonable rate of extra compensations for overtime services of inspectors in charge and radio inspectors of the Field Division of the Engineering Department of the Federal Communications Commission, who may be required to remain on duty between the hours of 5 o'clock postmeridian and 8 o'clock antemeridian or on Sunday or holidays to perform services in connection with the inspection of ship radio equipment and apparatus for the purposes of part II of title III of this Act, on the basis of one-half day's additional pay for each two hours or fraction thereof of at least one hour that the overtime extends beyond 5 o'clock postmeridian (but not to exceed two and one-half day's pay for the full period from 5 o'clock postmeridian to 8 o'clock antemeridian) and two additional days' pay for Sunday or holiday duty. The said extra compensation for overtime services shall be paid by the master, owner, or agent of such vessel to the local United States collector of customs or his representative, who shall deposit such collection into the Treasury of the United States to an appropriately designated receipt account: *Provided*, That the amounts of such collections received by the said collectors of customs or his representatives shall be covered into the Treasury as miscellaneous receipts; and the payments of such extra compensation to the several employees entitled thereto shall be made from the annual appropriations for salaries and expenses of the Commission: *Provided further*, That to the extent that the annual appropriations which are hereby authorized to be made from the general fund of the Treasury are insufficient, there are hereby authorized to be appropriated from the general fund of the Treasury such additional amounts as may be necessary to the extent that the amounts of such receipts are in excess of the amounts appropriated: *Provided further*, That such extra compensation shall be paid if such field employees have been ordered to report for duty and have so reported whether the actual inspection of the radio equipment or apparatus takes place or not: *And provided further*, That

⁵ The provisions relating to accountants were added by "An Act to amend paragraph (f) of Sec. 4 of the Communications Act of 1934." Public No. 423, 74th Congress, approved and effective Jan. 22, 1936, 49 Stat. 1048.

^{5a} The words "\$4,000" contained in the Act were changed to "\$5,482.80" on authority of Public Law 49, 78th Cong., 1st Session, approved May 7, 1943; Public 390, 79th Cong., 2nd Session approved May 24, 1946; and Public 900, 80th Cong., 2nd Session, approved July 3, 1948.

^{5b} The words "\$9,000" contained in the Act were changed to "\$10,330" on authority of the Acts cited in footnote 5a.

^{5c} The words "\$7,500" contained in the Act were changed to "\$9,706.50" on authority of the Acts cited in footnote 5a.

Senate Bill

1 accountant and his assistants, the general counsel and his
2 assistants, the chief of each integrated division and his as-
3 sistant, and the legal assistants to each Commissioner
4 shall not, for the period of one year next following the cessa-
5 tion of their employment with the Commission, represent
6 before the Commission in a professional capacity any person,
7 including all persons under common control, subject to the
8 provisions of this Act. The Commission shall have authority,
9 subject to the provisions of the civil-service laws and the
10 Classification Act of 1949, as amended, to appoint such other
11 officers, engineers, accountants, attorneys, inspectors, ex-
12 aminers, and other employees as are necessary in the execu-
13 tion of its functions.”

14 (c) The first sentence of subsection (g) of section 4
15 of such Act, as amended, is amended to read as follows:

16 “(g) The Commission may make such expenditures
17 (including expenditures for rent and personal services at
18 the seat of government and elsewhere, for office supplies,
19 law books, periodicals, and books of reference, for printing
20 and binding, for land for use as sites for radio monitoring
21 stations and related facilities, including living quarters where
22 necessary in remote areas, for the construction of such sta-
23 tions and facilities, and for the improvement, furnishing,
24 equipping, and repairing of such stations and facilities and
25 of laboratories and other related facilities (including con-

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14 (c) The first sentence of subsection (g) of section 4
15 of such Act is amended to read as follows: “The Commission
16 may make such expenditures (including expenditures for rent
17 and personal services at the seat of government and else-
18 where, for office supplies, law books, periodicals, and books
19 of reference, for printing and binding, for land for use as
20 sites for radio monitoring stations and related facilities, in-
21 cluding living quarters where necessary in remote areas, for
22 the construction of such stations and facilities, and for the
23 improvement, furnishing, equipping, and repairing of such
24 stations and facilities and of laboratories and other related
25 facilities (including construction of minor subsidiary build-

Present Act

in those ports where customary working hours are other than those hereinabove mentioned, the inspectors in charge are vested with authority to regulate the hours of such employees so as to agree with prevailing working hours in said ports where inspections are to be made, but nothing contained in this proviso shall be construed in any manner to alter the length of a working day for the inspectors in charge and radio inspectors or the overtime pay herein fixed.⁶

⁶ The provisions relating to extra compensation for overtime services of inspectors were added by Public No. 20, 77th Congress, approved March 23, 1941; 55 Stat. 46.

(g) The Commission may make such expenditures (including expenditures for rent and personal services at the seat of government and elsewhere, for office supplies, law books, periodicals, and books of reference, and for printing and binding) as may be necessary for the execution of the functions vested in the Commission and as from time to time may be appropriated for by Congress. All expenditures of the Commission, including all necessary expenses for transportation incurred by the commissioners or by their employees, under their orders, in making any investigation or upon any official business in any other places than in the city of Washington, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman of the Commission or by such other member or officer thereof as may be designated by the Commission for that purpose.

Senate Bill

1 construction of minor subsidiary buildings and structures not
2 exceeding \$25,000 in any one instance) used in connection
3 with technical research activities), as may be necessary for
4 the execution of the functions vested in the Commission and
5 as from time to time may be appropriated for by Congress.”

6 (d) Subsection (k) of section 4 of such Act is amended
7 to read as follows:

8 “(k) The Commission shall make an annual report to
9 Congress, copies of which shall be distributed as are other
10 reports, transmitted to Congress. Such reports shall
11 contain—

12 “(1) such information and data collected by the
13 Commission as may be considered of value in the deter-
14 mination of questions connected with the regulation of
15 interstate and foreign wire and radio communication
16 and radio transmission of energy.

17 “(2) such information and data concerning the
18 functioning of the Commission as will be of value to
19 Congress in appraising the amount and character of the
20 work and accomplishments of the Commission and the
21 adequacy of its staff and equipment: *Provided*, That the
22 first and second annual reports following the date of en-
23 actment of Communications Act Amendments, 1951,
24 shall set forth in detail the number and caption of pend-

House Bill

1 *ings and structures not exceeding \$25,000 in any one in-*
2 *stance) used in connection with technical research activities),*
3 *as may be necessary for the execution of the functions vested*
4 *in the Commission and as from time to time may be appro-*
5 *priated for by Congress.”*

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12 *“(1) such information and data collected by the*
13 *Commission as may be considered of value in the deter-*
14 *mination of questions connected with the regulation of*
15 *interstate and foreign wire and radio communication*
16 *and radio transmission of energy;*

17 *“(2) such information and data concerning the*
18 *functioning of the Commission as will be of value to*
19 *Congress in appraising the amount and character of the*
20 *work and accomplishments of the Commission and the*
21 *adequacy of its staff and equipment: Provided, That the*
22 *first and second annual reports following the date of en-*
23 *actment of the Communications Act Amendments, 1952,*
24 *shall set forth in detail the number and caption of pend-*

Present Act

(k) The Commission shall make an annual report to Congress, copies of which shall be distributed as are other reports transmitted to Congress. Such report shall contain such information and data collected by the Commission as may be considered of value in the determination of questions connected with the regulation of interstate and foreign wire and radio communication and radio transmission of energy, together with such recommendations as to additional legislation relating thereto as the Commission may deem necessary: *Provided*, That the Commission shall make a special report not later than February 1, 1935, recommending such amendments to this Act as it deems desirable in the public interest: *Provided further*,¹ That each year, at the beginning of the session of the Congress, the Commission shall report to the Congress whether or not any new wire or radio communication legislation is required better to insure safety of life and property. If any such new legislation is considered necessary the Commission shall make specific recommendations thereof to the Congress.

¹ This proviso was added by “An Act to amend the Communications Act of 1934, etc.” Public No. 97, 75th Congress, approved and effective May 20, 1937, 50 Stat. 190.

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1 necessary or desirable, including all legislative proposals
2 submitted for approval to the Director of the Budget.”
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4 SEC. 5. Section 5 of such Act, as amended, is amended
5 to read as follows:

“ORGANIZATION OF THE COMMISSION

7 “SEC. 5. (a) The member of the Commission designated
8 by the President as Chairman shall be the chief executive
9 officer of the Commission. It shall be his duty to preside
10 at all meetings and sessions of the Commission, to represent
11 the Commission in all matters relating to legislation and
12 legislative reports except that any Commissioner may pre-
13 sent his own or minority views or supplemental reports,
14 to represent the Commission in all matters requiring con-
15 ferences or communications with other governmental officers,
16 departments or agencies, and generally to coordinate and
17 organize the work of the Commission in such manner as
18 to promote prompt and efficient disposition of all matters
19 within the jurisdiction of the Commission. In the case
20 of a vacancy in the office of the Chairman of the Com-
21 mission, or the absence or inability of the Chairman to
22 serve, the Commission may temporarily designate and
23 appoint one of its members to act as Chairman until the
24 cause or circumstance requiring such service shall have been
25 eliminated or corrected.

House Bill

1 *sary or desirable, including all legislative proposals*
2 *submitted for approval to the Director of the Bureau of*
3 *the Budget.”*

4 *SEC. 5. Section 5 of such Act is amended to read as*
5 *follows:*

“ORGANIZATION AND FUNCTIONING OF THE COMMISSION

7 *“SEC. 5. (a) The member of the Commission designated*
8 *by the President as chairman shall be the chief executive*
9 *officer of the Commission. It shall be his duty to preside*
10 *at all meetings and sessions of the Commission, to represent*
11 *the Commission in all matters relating to legislation and*
12 *legislative reports, except that any commissioner may pre-*
13 *sent his own or minority views or supplemental reports,*
14 *to represent the Commission in all matters requiring con-*
15 *ferences or communications with other governmental officers,*
16 *departments or agencies, and generally to coordinate and*
17 *organize the work of the Commission in such manner as*
18 *to promote prompt and efficient disposition of all matters*
19 *within the jurisdiction of the Commission. In the case*
20 *of a vacancy in the office of the chairman of the Commission,*
21 *or the absence or inability of the chairman to serve, the*
22 *Commission may temporarily designate one of its members*
23 *to act as chairman until the cause or circumstance requiring*
24 *such designation shall have been eliminated or corrected.*

25

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Senate Bill

1 “(b) Within sixty days after the enactment of the
2 Communications Act Amendments, 1951, and from time
3 to time thereafter as the Commission may find necessary,
4 the Commission shall organize its legal, engineering, and
5 accounting staff into (1) integrated divisions, to func-
6 tion on the basis of the Commission’s principal workload
7 operations; and (2) into such other divisional organizations
8 as the Commission may deem necessary to handle that part
9 of its workload which cuts across more than one integrated
10 division or which does not lend itself to the integrated
11 division set-up. Each such integrated division and divisional
12 organization shall include such legal, engineering, accounting,
13 administrative, and clerical personnel as the Commission may
14 determine to be necessary to perform its functions. The
15 general counsel, the chief engineer, and the chief accountant
16 and their respective assistants shall carry out their respective
17 duties under such rules and regulations as the Commission
18 may prescribe. The Commission shall establish a staff,
19 directly responsible to it, which shall include such legal,
20 engineering, and accounting personnel as the Commission
21 deems necessary, whose duty shall be to prepare such drafts
22 of Commission decisions, orders, and other memoranda as
23 the Commission, in the exercise of its quasi-judicial duties,
24 may from time to time direct: *Provided*, That no member
25 of such staff shall participate in a hearing or represent the

House Bill

1 “(b) *Within six months after the enactment of the*
2 *Communications Act Amendments, 1952, and from time*
3 *to time thereafter as the Commission may find necessary,*
4 *the Commission shall organize its staff into (1) integrated*
5 *bureaus, to function on the basis of the Commission’s prin-*
6 *cipal workload operations, and (2) such other divisional*
7 *organizations as the Commission may deem necessary to*
8 *handle that part of its workload which cuts across more*
9 *than one integrated bureau or which does not lend itself*
10 *to the integrated bureau set-up. Each such integrated*
11 *bureau shall include such legal, engineering, accounting,*
12 *administrative, clerical, and other personnel as the Com-*
13 *mission may determine to be necessary to perform its*
14 *functions.*

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18 “(c) *The Commission shall establish a special staff of*
19 *employees, hereinafter in this Act referred to as the ‘review*
20 *staff’, which shall consist of such legal, engineering, account-*
21 *ing, and other personnel as the Commission deems necessary.*
22 *The review staff shall be directly responsible to the Commis-*
23 *sion and shall not be made a part of any bureau or divi-*
24 *sional organization of the Commission. Its work shall not*
25 *be supervised or directed by any employee of the Commission*

Present Act

Senate Bill

1 Commission, directly or indirectly, in any prosecutory or
2 investigatory function or proceeding.

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22 “(c) Except as provided in section 409 hereof, the Com-
23 mission, when necessary to the proper functioning of the
24 Commission and the prompt and orderly conduct of its busi-

House Bill

1 *other than a member of the review staff whom the Commission*
2 *may designate as the head of such staff. The review staff*
3 *shall perform no duties or functions other than to assist the*
4 *Commission, in cases of adjudication (as defined in the Ad-*
5 *ministrative Procedure Act) which have been designated for*
6 *hearing, by preparing, without recommendations, a summary*
7 *of the evidence presented at any such hearing, by preparing*
8 *without recommendations, after an initial decision but prior*
9 *to oral argument, a compilation of the facts material to the*
10 *exceptions and replies thereto filed by the parties, and by*
11 *preparing for the Commission or any member or members*
12 *thereof, without recommendations and in accordancê with*
13 *specific directions from the Commission or such member or*
14 *members, memoranda, opinions, decisions, and orders. The*
15 *Commission shall not permit any employee who is not a*
16 *member of the review staff to perform the duties and func-*
17 *tions which are to be performed by the review staff; but*
18 *this shall not be construed to limit the duties and functions*
19 *which a professional assistant appointed pursuant to section*
20 *4 (f) (2) may perform for the commissioner by whom he*
21 *was appointed.*

22 “(d) (1) *The Commission is hereby authorized by*
23 *its order to divide the members thereof into not more than*
24 *three panels, each to consist of not less than three members.*

Present Act

DIVISIONS OF THE COMMISSION

SEC. 5. (a) The Commission is hereby authorized by its order to divide the members thereof into not more than three divisions, each to consist of not less than three members. Any commissioner may be assigned to and may serve upon such division or divisions as the Commission may direct, and each

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1 ness, is hereby authorized and directed to assign or refer any
2 portion of its work, business, or functions to an individual
3 Commissioner or Commissioners or to a board composed of
4 one or more employees of the Commission, to be designated
5 by such order for action thereon, and by its further order at
6 any time to amend, modify, or rescind any such order or
7 reference: *Provided*, That this authority shall not extend to
8 duties otherwise specifically imposed by this or any other
9 Act of Congress. Any order, decision, or report made or
10 other action taken pursuant to any such order or reference
11 shall have the same force and effect and may be made,
12 evidenced, and enforced as is made by the Commission:
13 *Provided, however*, That any person aggrieved by any such
14 order, decision, or report may file a petition for review by the
15 Commission, and every such petition shall be passed upon
16 by the Commission. The secretary and seal of the Com-
17 mission shall be the secretary and seal of such individual
18 Commissioner or board.

House Bill

1 *Any commissioner may be assigned to and may serve upon*
2 *such panel or panels as the Commission may direct, and*
3 *each panel shall choose its own chairman. In case of a*
4 *vacancy in any panel, or of absence or inability to serve*
5 *thereon of any commissioner thereto assigned, the chairman*
6 *of the Commission or any commissioner designated by him*
7 *for that purpose may temporarily serve on said panel*
8 *until the Commission shall otherwise order.*
9 *“(2) Except as provided in section 409, the Commis-*
10 *sion may by order direct that any of its work, business,*
11 *or functions arising under this or any other Act of Congress,*
12 *or referred to it by Congress or by either branch thereof, be*
13 *assigned or referred to any of said panels for action thereon,*
14 *and may by order at any time amend, modify, supplement,*
15 *or rescind any such direction.*
16 *“(3) In conformity with and subject to the order or*
17 *orders of the Commission in the premises, each panel so*
18 *constituted shall have power and authority by a majority*
19 *thereof to hear and determine, order, certify, report, or other-*
20 *wise act as to any of said work, business, or functions so*
21 *assigned or referred to it for action, and in respect thereof*
22 *shall have all the jurisdiction and powers conferred by law*
23 *upon the Commission, and be subject to the same duties and*
24 *obligations. Any order, decision, or report made or other*
25 *action taken by any of said panels in respect of any matters*

Present Act

division shall choose its own chairman. In case of a vacancy in any division, or of absence or inability to serve thereon of any commissioner thereto assigned, the chairman of the Commission or any commissioner designated by him for that purpose may temporarily serve on said division until the Commission shall otherwise order.

(b) The Commission may by order direct that any of its work, business, or functions arising under this Act, or under any other Act of Congress, or in respect of any matter which has been or may be referred to the Commission by Congress or by either branch thereof, be assigned or referred to any of said divisions for action thereon, and may by order at any time amend, modify, supplement, or rescind any such direction. All such orders shall take effect forthwith and remain in effect until otherwise ordered by the Commission.

(c) In conformity with and subject to the order or orders of the Commission in the premises, each division so constituted shall have power and authority by a majority thereof to hear and determine, order, certify, report, or otherwise act as to any of said work, business, or functions so assigned or referred to it for action by the Commission, and in respect thereof the division shall have all the jurisdiction and powers now or then conferred by law upon the Commission, and be subject to the same duties and obligations. Any order, decision, or report made or other action taken by any of said divisions in respect of any matters so assigned or referred to it shall have the same force and effect, and may be made, evidenced, and enforced in the same manner as if made, or taken by the Commission, subject to rehearing by the Commission as provided in section 405 of this Act for rehearing cases decided by the Commission. The secretary and seal of the Commission shall be the secretary and seal of each division thereof.

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1 so assigned or referred to it shall have the same force and
2 effect, and may be made, evidenced, and enforced in the same
3 manner as if made or taken by the Commission, subject to
4 rehearing by the Commission as provided in section 405 of
5 this Act for rehearing cases decided by the Commission. The
6 secretary and seal of the Commission shall be the secretary and
7 seal of each panel thereof.
8 “(e) (1) Except as provided in section 409, the Com-
9 mission may by order assign or refer any portion of its
10 work, business, or functions arising under this or any other
11 Act of Congress, or referred to it by Congress or either branch
12 thereof, to an individual commissioner, or to a board com-
13 posed of an employee or employees of the Commission, to be
14 designated by such order for action thereon, and may by
15 order, at any time amend, modify, supplement, or rescind
16 any such assignment or reference. In case of the absence,
17 or inability for any other reason to act, of any such indi-
18 vidual commissioner or of any employee designated to serve
19 upon any such board, the chairman of the Commission may
20 designate another commissioner or employee, as the case may
21 be, to serve temporarily until the Commission shall otherwise
22 order.
23 “(2) In conformity with and subject to the order or or-
24 ders of the Commission in the premises, any such individual
25 commissioner, or board acting by a majority thereof, shall

(e) The Commission is hereby authorized by its order to assign or refer any portion of its work, business, or functions arising under this or any other Act of Congress or referred to it by Congress, or either branch thereof, to an individual commissioner, or to a board composed of an employee or employees of the Commission, to be designated by such order, for action thereon, and by its order at any time to amend, modify, supplement, or rescind any such assignment or reference: *Provided, however,* That this authority shall not extend to investigations instituted upon the Commission's own motion or, without the consent of the parties thereto, to contested proceedings involving the taking of testimony at public hearings, or to investigations specifically required by this Act. All such orders shall take effect forthwith and remain in effect until otherwise ordered by the Commission. In case of the absence or inability for any other reason to act of any such individual commissioner or employee designated to serve upon any such board, the chairman of the Commission may designate another commissioner or employee, as the case may be, to serve temporarily until the Commission shall otherwise order. In conformity with and subject to the order or orders of the Commission in the premises, any such individual commissioner, or board acting by a majority thereof, shall have power and authority to hear and determine, order, certify, report, or otherwise act as to any of said work, business, or functions so assigned or referred to him or it for action by the Commission and in respect thereof shall have all the jurisdiction and powers now or then conferred by law upon the Commission and be subject to the same duties and obligations. Any order, decision, or report made or other action taken by any such individual commissioner or board in respect of any matters so assigned or referred shall have the same force and effect, and may be made, evidenced, and enforced in the same manner as if made or taken by the Commission. Any party affected by any order, decision, or report of any such individual commission or board may file a petition for rehearing by the Commission or a division thereof and every such petition shall be passed upon by the Commission or a division thereof. Any action by a division upon such a petition shall itself be subject to rehearing by the Commission, as provided in section 405 of this Act and in subsection (c). The Commission may make and amend rules for the conduct of proceedings before such individual commissioner or board and for the rehearing of such action before a division of the Commission or the Commission. The secretary and seal of the Commission shall be the secretary and seal of such individual commissioner or board.

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23 “(d) Meetings of the Commission shall be held at regu-
24 lar intervals, not less frequently than once each calendar
25 month, at which times the functioning of the Commission
26 and the handling of its work load shall be reviewed and such

1 *have power and authority to hear and determine, order,*
2 *certify, report, or otherwise act as to any of said work,*
3 *business, or functions so assigned or referred to him or*
4 *it for action, and in respect thereof shall have all the*
5 *jurisdiction and powers conferred by law upon the Com-*
6 *mission and be subject to the same duties and obligations.*
7 *Any order, decision, or report made or other action taken*
8 *by any such individual commissioner or board in respect*
9 *of any matters so assigned or referred shall have the same*
10 *force and effect, and may be made, evidenced, and enforced*
11 *in the same manner as if made or taken by the Com-*
12 *mission, subject to rehearing by the Commission as provided*
13 *in section 405 of this Act for rehearing cases decided by the*
14 *Commission. Every petition for such a rehearing shall be*
15 *passed upon by the Commission. The Commission may*
16 *make and amend rules for the conduct of proceedings before*
17 *any such individual commissioner or board. The secretary*
18 *and seal of the Commission shall be the secretary and seal*
19 *of such individual commissioner or board.*
20 “(f) *Nothing in this section contained, or done pursuant*
21 *thereto, shall be deemed to divest the Commission of any of*
22 *its powers.*
23 “(g) *Meetings of the Commission shall be held at regu-*
24 *lar intervals, not less frequently than once each calendar*
25 *month, at which times the functioning of the Commission*
26 *and the handling of its work load shall be reviewed and such*

(d) Nothing in this section contained, or done pursuant thereto, shall be deemed to divest the Commission of any of its powers.

Senate Bill

1 orders shall be entered and other action taken as may be
2 necessary or appropriate to expedite the prompt and orderly
3 conduct of the business of the Commission with the objective
4 of rendering a final decision (1) within three months from
5 the date of filing in all original application, renewal, and
6 transfer cases and (2) within six months from the final date
7 of the hearing in all hearing cases; and the Commission
8 shall promptly report to the Congress each such case which
9 has been pending before it more than such three- or six-
10 month period, respectively, stating the reasons therefor.”

11
12 SEC. 6. Subsection (d) of section 307 of such Act is
13 amended to read as follows:

14 “(d) No license granted for the operation of a broad-
15 casting station shall be for a longer term than three years
16 and no license so granted for any other class of station shall
17 be for a longer term than five years, and any license granted
18 may be revoked as hereinafter provided. Upon the expira-
19 tion of any license, upon application therefor, a renewal of
20 such license may be granted from time to time for a term
21 of not to exceed three years in the case of broadcasting
22 licenses and not to exceed five years in the case of other
23 licenses if the Commission finds that public interest, con-
24 venience and necessity would be served thereby.”

25

House Bill

1 *orders shall be entered and other action taken as may be*
2 *necessary or appropriate to expedite the prompt and orderly*
3 *conduct of the business of the Commission with the objective*
4 *of rendering a final decision (1) within three months from*
5 *the date of filing in all original application, renewal, and*
6 *transfer cases in which it will not be necessary to hold a*
7 *hearing, and (2) within six months from the final date*
8 *of the hearing in all hearing cases; and the Commission*
9 *shall promptly report to the Congress each such case which*
10 *has been pending before it more than such three- or six-*
11 *month period, respectively, stating the reasons therefor.”*

12 *SEC. 6. (a) Subsection (d) of section 307 of such Act is*
13 *amended to read as follows:*

14 *“(d) No license granted for the operation of a broad-*
15 *casting station shall be for a longer term than three years*
16 *and no license so granted for any other class of station shall*
17 *be for a longer term than five years, and any license granted*
18 *may be revoked or suspended as hereinafter provided. Upon*
19 *the expiration of any license, upon application therefor, a*
20 *renewal of such license may be granted from time to time for a*
21 *term of not to exceed three years in the case of broadcasting*
22 *licenses, and not to exceed five years in the case of other*
23 *licenses, if the Commission finds that public interest, con-*
24 *venience, and necessity would be served thereby. In order*
25 *to expedite action on applications for renewal of broadcast-*

Present Act

13

(d) No license granted for the operation of a broadcasting station shall be for a longer term than three years and no license so granted for any other class of station shall be for a longer term than five years, and any license granted may be revoked as hereinafter provided. Upon the expiration of any license, upon application therefor, a renewal of such license may be granted from time to time for a term of not to exceed three years in the case of broadcasting licenses and not to exceed five years in the case of other licenses, but action of the Commission with reference to the granting of such application for the renewal of a license shall be limited to and governed by the same considerations and practice which affect the granting of original applications.

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1 *ing station licenses and in order to avoid needless expense*
2 *to applicants for such renewals, the Commission shall not*
3 *require any such applicant to file any information which*
4 *previously has been furnished to the Commission or which*
5 *is not directly material to the considerations that affect the*
6 *granting or denial of such application. Pending any hear-*
7 *ing and final decision on such an application and the dis-*
8 *position of any petition for rehearing pursuant to section*
9 *405, the Commission shall continue such license in effect.”*
10 *(b) Section 307 of such Act is amended by adding at*
11 *the end thereof the following subsection:*
12 *“(f) If the Commission, instead of granting the appli-*
13 *cation of a licensee for the renewal of its station license, grants*
14 *to another applicant a station license for the same or mutu-*
15 *ally exclusive facilities, and if the applicant for renewal*
16 *has operated substantially as set forth in the license and has*
17 *not willfully violated or failed to observe any of the restric-*
18 *tions and conditions of this Act or of any regulation of the*
19 *Commission authorized by this Act or by a treaty ratified by*
20 *the United States, then, if the applicant for renewal so re-*
21 *quests, the grant of the station license to the other applicant*
22 *shall be conditioned upon the purchase, by the other applicant,*
23 *of the physical plant and equipment theretofore used for sta-*
24 *tion purposes by the applicant for renewal, at a price equal*
25 *to the fair value of such plant and equipment, as determined*
26 *by the Commission.”*

Senate Bill

1 SEC. 7. So much of subsection (a) of section 308 of
2 such Act as precedes the second proviso is amended to read
3 as follows: "The Commission may grant instruments of
4 authorization entitling the holders thereof to construct or
5 operate apparatus for the transmission of energy, or com-
6 munications, or signals by radio or modifications or renewals
7 thereof, only upon written application therefor received by
8 it: *Provided*, That (1) in cases of emergency found by
9 the Commission involving danger to life or property or
10 due to damage to equipment, or (2) during a national
11 emergency proclaimed by the President or declared by the
12 Congress and during the continuance of any war in which
13 the United States is engaged and when such action is neces-
14 sary for the national defense or security or otherwise in
15 furtherance of the war effort, the Commission may grant
16 and issue authority to construct or operate apparatus for
17 the transmission of energy or communications or signals
18 by radio during the emergency so found by the Commis-
19 sion or during the continuance of any such national emergency
20 or war, in such manner and upon such terms and condi-
21 tions as the Commission shall by regulation prescribe, and
22 without the filing of a formal application, but no such author-
23 ity shall be granted for a period beyond the period of
24 the emergency requiring it nor remain effective beyond
25 such period:".

House Bill

1 *SEC. 7. (a) So much of subsection (a) of section 308 of*
2 *such Act as precedes the second proviso is amended to read*
3 *as follows: "The Commission may grant construction permits*
4 *and station licenses, or modifications or renewals thereof, only*
5 *upon written application therefor received by it: Provided,*
6 *That (1) in cases of emergency found by the Commission*
7 *involving danger to life or property or due to damage to*
8 *equipment, or (2) during a national emergency proclaimed*
9 *by the President or declared by the Congress and during*
10 *the continuance of any war in which the United States is*
11 *engaged and when such action is necessary for the national*
12 *defense or security or otherwise in furtherance of the war*
13 *effort, or (3) in cases of emergency where the Commission*
14 *finds, in the nonbroadcast services, that it would not be feasi-*
15 *ble to secure renewal applications from existing licensees or*
16 *otherwise to follow normal licensing procedure, the Com-*
17 *mission may grant construction permits and station licenses,*
18 *or modifications or renewals thereof, during the emergency*
19 *so found by the Commission or during the continuance of*
20 *any such national emergency or war, in such manner and*
21 *upon such terms and conditions as the Commission shall by*
22 *regulation prescribe, and without the filing of a formal*
23 *application, but no authorization so granted shall continue*
24 *in effect beyond the period of the emergency or war requir-*
25 *ing it:".*

Present Act

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SEC. 308. (a) The Commission may grant licenses, renewal of licenses, and modification of licenses only upon written application therefor received by it: *Provided, however*, That in cases of emergency found by the Commission, licenses, renewals of licenses, and modifications of licenses, for stations on vessels or aircraft of the United States, may be issued under such conditions as the Commission may impose, without such formal application. Such licenses, however, shall in no case be for a longer term than three months: *Provided further*, That the Commission may issue by cable, telegraph, or radio a permit for the operation of a station on a vessel of the United States at sea, effective in lieu of a license until said vessel shall return to a port of the continental United States.

Senate Bill

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18 SEC. 8. Section 309 of such Act, as amended, is amended
19 to read as follows:

20 "HEARINGS ON APPLICATIONS FOR LICENSES; FORM OF
21 LICENSES; CONDITIONS ATTACHED TO LICENSES

22 "SEC. 309. (a) If upon examination of any application
23 provided for in section 308 the Commission shall determine
24 that public interest, convenience, and necessity would be
25 served by the granting thereof, it shall authorize the issuance

House Bill

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(b) The first sentence of subsection (b) of section 308
of such Act is amended by striking out the words "All such
applications shall set forth" and inserting in lieu thereof
"All applications for station licenses, or modifications or
renewals thereof, shall set forth".

(c) Section 308 of such Act is amended by adding
at the end thereof the following subsection:

"(d) The Commission shall not make or promulgate
any rule or regulation, of substance or procedure, the pur-
pose or result of which is to effect a discrimination between
persons based upon interest in, association with, or owner-
ship of any medium primarily engaged in the gathering
and dissemination of information and no application for
a construction permit or station license, or for the renewal,
modification, or transfer of such a permit or license, shall
be denied by the Commission solely because of any such
interest, association, or ownership."

SEC. 8. Section 309 of such Act is amended to read
as follows:

"ACTION UPON APPLICATIONS; FORM OF AND CONDITIONS
ATTACHED TO LICENSES

"SEC. 309. (a) If upon examination of any application
provided for in section 308 the Commission shall find that
public interest, convenience, and necessity would be served
by the granting thereof, it shall grant such application.

Senate Bill

1 of the instrument of authorization for which application is
2 made in accordance with said finding.

3 “(b) If upon examination of any such application the
4 Commission is unable to make the finding specified in sub-
5 section (a) of this section, it shall forthwith notify the ap-
6 plicant and other known parties in interest of the grounds
7 and reasons for its inability to make such finding. Such
8 notice, which shall precede formal designation for a hearing,
9 shall advise the applicant and all other known parties in
10 interest of all objections made to the application as well as
11 the source and nature of such objections. Following such
12 notice, the applicant shall be given an opportunity to reply.
13 If the Commission, after considering such reply, shall be
14 unable to make the finding specified in subsection (a) of
15 this section, it shall formally designate the application
16 for hearing on the grounds or reasons then obtaining and
17 shall notify the applicant and all other known parties in
18 interest of such action and the grounds and reasons therefor,
19 specifying with particularity the matters and things in issue
20 but not including issues or requirements phrased generally.
21 The parties in interest, if any, who are not notified by the
22 Commission of its action with respect to a particular applica-
23 tion may acquire the status of a party to the proceeding
24 thereon by filing a petition for intervention showing the basis

House Bill

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3 “(b) If upon examination of any such application the
4 Commission is unable to make the finding specified in sub-
5 section (a), it shall forthwith notify the applicant and
6 other known parties in interest of the grounds and
7 reasons for its inability to make such finding. Such
8 notice, which shall precede formal designation for a hearing,
9 shall advise the applicant and all other known parties in
10 interest of all objections made to the application as well as
11 the source and nature of such objections. Following such
12 notice, the applicant shall be given an opportunity to reply.
13 If the Commission, after considering such reply, shall be
14 unable to make the finding specified in subsection (a),
15 it shall formally designate the application for hearing
16 on the grounds or reasons then obtaining and shall notify
17 the applicant and all other known parties in interest of such
18 action and the grounds and reasons therefor, specifying with
19 particularity the matters and things in issue but not including
20 issues or requirements phrased generally. The parties in
21 interest, if any, who are not notified by the Commission of
22 its action with respect to a particular application may acquire
23 the status of a party to the proceeding thereon by filing a
24 petition for intervention showing the basis for their interest

Present Act

Senate Bill**Present Act****18****House Bill**

1 for their interest at any time not less than ten days prior to
2 the date of hearing. Any hearing subsequently held upon
3 such application shall be a full hearing in which the appli-
4 cant and all other parties in interest shall be permitted to
5 participate but in which both the burden of proceeding with
6 the introduction of evidence upon any issue specified by the
7 Commission, as well as the burden of proof upon all such
8 issues, shall be upon the applicant.

9 “(c) When any instrument of authorization is granted
10 by the Commission without a hearing as provided in subsec-
11 tion (a) hereof, such grant shall remain subject to protest as
12 hereinafter provided for a period of thirty days. During
13 such thirty-day period any party in interest may file a pro-
14 test under oath directed to such grant and request a hearing
15 on said application so granted. Any protest so filed shall
16 contain such allegations of fact as will show the protestant
17 to be a party in interest and shall specify with particularity
18 the facts, matters, and things relied upon, but shall not in-
19 clude issues or allegations phrased generally. The Commis-
20 sion shall, within fifteen days from the date of the filing of
21 such protest, enter findings as to whether such protest meets
22 the foregoing requirements and if it so finds the application
23 involved shall be set for hearing upon the issues set forth
24 in said protest, together with such further specific issues, if
25 any, as may be prescribed by the Commission. In any hear-

1 at any time not less than ten days prior to the date of hearing.
2 Any hearing subsequently held upon such application shall
3 be a full hearing in which the applicant and all other parties
4 in interest shall be permitted to participate but in which both
5 the burden of proceeding with the introduction of evidence
6 upon any issue specified by the Commission, as well as the
7 burden of proof upon all such issues, shall be upon the
8 applicant.

9 “(c) When any instrument of authorization is granted
10 by the Commission without a hearing as provided in subsec-
11 tion (a) hereof, such grant shall remain subject to protest as
12 hereinafter provided for a period of thirty days. During
13 such thirty-day period any party in interest may file a pro-
14 test under oath directed to such grant and request a hearing
15 on said application so granted. Any protest so filed shall
16 contain such allegations of fact as will show the protestant
17 to be a party in interest and shall specify with particularity
18 the facts, matters, and things relied upon, but shall not in-
19 clude issues or allegations phrased generally. The Commis-
20 sion shall, within fifteen days from the date of the filing of
21 such protest, enter findings as to whether such protest meets
22 the foregoing requirements and if it so finds the application
23 involved shall be set for hearing upon the issues set forth
24 in said protest, together with such further specific issues, if
25 any, as may be prescribed by the Commission. In any hear-

Senate Bill

1 ing subsequently held upon such application all issues speci-
2 fied by the Commission shall be tried in the same manner
3 provided in subsection (b) hereof but with respect of all
4 issues set forth in the protest and not specifically adopted by
5 the Commission, both the burden of proceeding with the
6 introduction of evidence and the burden of proof shall be
7 upon the protestant. The hearing and determination of
8 cases arising under this subsection shall be expedited by the
9 Commission and pending hearing and decision the effective
10 date of the Commission's action to which protest is made
11 shall be postponed to the effective date of the Commission's
12 decision after hearing, unless the authorization involved is
13 necessary to the maintenance or conduct of an existing
14 service, in which event the Commission shall authorize the
15 applicant to utilize the facilities or authorization in question
16 pending the Commission's decision after hearing.

17 “(d) Such station licenses as the Commission may
18 grant shall be in such general form as it may prescribe, but
19 each license shall contain, in addition to other provisions, a
20 statement of the following conditions to which such license
21 shall be subject: (1) The station license shall not vest in
22 the licensee any right to operate the station nor any right in
23 the use of the frequencies designated in the license beyond
24 the term thereof nor in any other manner than authorized
25 therein; (2) neither the license nor the right granted there-

House Bill

1 *ing subsequently held upon such application all issues speci-*
2 *fied by the Commission shall be tried in the same manner*
3 *provided in subsection (b) hereof, but with respect to all*
4 *issues set forth in the protest and not specifically adopted by*
5 *the Commission, both the burden of proceeding with the*
6 *introduction of evidence and the burden of proof shall be*
7 *upon the protestant. The hearing and determination of*
8 *cases arising under this subsection shall be expedited by the*
9 *Commission and pending hearing and decision the effective*
10 *date of the Commission's action to which protest is made*
11 *shall be postponed to the effective date of the Commission's*
12 *decision after hearing, unless the authorization involved is*
13 *necessary to the maintenance or conduct of an existing*
14 *service, in which event the Commission shall authorize the*
15 *applicant to utilize the facilities or authorization in question*
16 *pending the Commission's decision after hearing.*

17 *“(d) Such station licenses as the Commission may*
18 *grant shall be in such general form as it may prescribe, but*
19 *each license shall contain, in addition to other provisions, a*
20 *statement of the following conditions to which such license*
21 *shall be subject: (1) The station license shall not vest in*
22 *the licensee any right to operate the station nor any right in*
23 *the use of the frequencies designated in the license beyond*
24 *the term thereof nor in any other manner than authorized*
25 *therein; (2) neither the license nor the right granted there-*

Present Act

(b) Such station licenses as the Commission may grant shall be in such general form as it may prescribe, but each license shall contain, in addition to other provisions, a statement of the following conditions to which such license shall be subject:

(1) The station license shall not vest in the licensee any right to operate the station nor any right in the use of frequencies designated in the license beyond the term thereof nor in any other manner than authorized therein.

(2) Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of this Act.

(3) Every license issued under this Act shall be subject in terms to the right of use or control conferred by section 606 hereof.

Senate Bill

1 under shall be assigned or otherwise transferred in violation
2 of this Act; (3) every license issued under this Act shall be
3 subject in terms to the right of use or control conferred
4 by section 606 hereof.”

5 SEC. 9. Subsection (b) of section 310 of said Act is
6 amended to read as follows:

7 “(b) No instrument of authorization granted by the
8 Commission entitling the holder thereof to construct or to
9 operate radio apparatus and no rights granted thereunder
10 shall be transferred, assigned, or disposed of in any manner,
11 voluntarily or involuntarily, directly or indirectly, or by
12 transfer of control of any corporation holding such instru-
13 ment of authorization, to any person except upon application
14 to the Commission and upon finding by the Commission that
15 the proposed transferee or assignee possesses the qualifica-
16 tions required of an original permittee or licensee. The
17 procedure for handling such application shall be that pro-
18 vided in section 309.”

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House Bill

1 *under shall be assigned or otherwise transferred in violation*
2 *of this Act; (3) every license issued under this Act shall be*
3 *subject in terms to the right of use or control conferred by*
4 *section 606 hereof.”*

5 *SEC. 9. Subsection (b) of section 310 of said Act is*
6 *amended to read as follows:*

7 *“(b) No construction permit or station license, or any*
8 *rights thereunder, shall be transferred, assigned, or disposed*
9 *of in any manner, voluntarily or involuntarily, directly or*
10 *indirectly, or by transfer of control of any corporation*
11 *holding such permit or license, to any person except upon*
12 *application to the Commission and upon finding by the Com-*
13 *mission that the public interest, convenience and necessity will*
14 *be served thereby. Any such application shall be disposed*
15 *of as if the proposed transferee or assignee were making ap-*
16 *plication under section 308 for the permit or license in ques-*
17 *tion; but in acting thereon the Commission may not consider*
18 *whether the public interest, convenience, and necessity might*
19 *be served by the transfer, assignment, or disposal of the permit*
20 *or license to a person other than the proposed transferee or*
21 *assignee.”*

Present Act

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Section 310.
(b) The station license required hereby, the frequencies authorized to be used by the licensee, and the rights therein granted shall not be transferred, assigned, or in any manner either voluntarily or involuntarily disposed of, or indirectly by transfer of control of any corporation holding such license, to any person, unless the Commission shall, after securing full information, decide that said transfer is in the public interest, and shall give its consent in writing.

Senate Bill

1 SEC. 10. Section 311 of such Act, as amended, is
2 amended to read as follows:
3 "SEC. 311. The Commission is hereby directed to refuse
4 a station license and/or the permit hereinafter required for
5 the construction of a station to any person (or to any per-
6 son directly or indirectly controlled by such person) whose
7 license has been revoked by a court under section 313."
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10 SEC. 11. Section 312 of such Act, as amended, is
11 amended to read as follows:
12 "REVOCATION OF LICENSES; CEASE-AND-DESIST ORDERS
13 "SEC. 312. (a) Any station license may be revoked
14 (1) because of conditions coming to the attention of the
15 Commission since the granting of such license which would
16 have warranted the Commission in refusing to grant such
17 license, or (2) for violation or failure to observe any of
18 the restrictions or provisions of a treaty ratified by the
19 United States, or (3) for violation of or failure to observe
20 the terms and conditions of any cease-and-desist order issued
21 by the Commission pursuant to subsection (b) hereof. The
22 Commission may institute a revocation proceeding by serv-
23 ing upon the licensee an order to show cause why its license

House Bill

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10 SEC. 10. Section 312 of such Act is amended to read as
11 follows:
12 "ADMINISTRATIVE SANCTIONS
13 "SEC. 312. (a) Any station license may be revoked, or
14 may be suspended for a period not to exceed ninety days, and
15 any construction permit may be revoked—
16 "(1) for false statements knowingly made either in
17 the application or in any statement of fact which may
18 be required pursuant to section 308;
19 "(2) because of conditions coming to the attention
20 of the Commission which would warrant it in refusing to
21 grant a license or permit on an original application;
22 "(3) for willful or repeated failure to operate sub-
23 stantially as set forth in the license;

Present Act

SEC. 311. The Commission is hereby directed to refuse a station license and/or the permit hereinafter required for the construction of a station to any person (or to any person directly or indirectly controlled by such person) whose license has been revoked by a court under section 313, and is hereby authorized to refuse such station license and/or permit to any other person (or to any person directly or indirectly controlled by such person) which has been finally adjudged guilty by a Federal court of unlawfully monopolizing or attempting unlawfully to monopolize, radio communication, directly or indirectly, through the control of the manufacture or sale of radio apparatus, through exclusive traffic arrangements, or by any other means, or to have been using unfair methods of competition. The granting of a license shall not estop the United States or any person aggrieved from proceeding against such person for violating the law against unfair methods of competition or for a violation of the law against unlawful restraints and monopolies and/or combinations, contracts, or agreements in restraint of trade, or from instituting proceedings for the dissolution of such corporation.

REVOCATION OF LICENSES

SEC. 312. (a) Any station license may be revoked for false statements either in the application or in the statement of fact which may be required by section 308 hereof, or because of conditions revealed by such statements of fact as may be required from time to time which would warrant the Commission in refusing to grant a license on an original application, or for failure to operate substantially as set forth in the license, or for violation of or failure to observe any of the restrictions and conditions of this Act or of any regulation of the Commission authorized by this Act or by a treaty ratified by the United States: *Provided, however,* That no such order of revocation shall take effect until fifteen days' notice in writing thereof, stating the cause for the proposed revocation, has been given to the licensee. Such licensee may make written application to the Commission at any time within said fifteen days for a hearing upon such order, and upon the filing of such written application said order of revocation shall stand suspended until the conclusion of the hearing conducted under such rules as the Commission may prescribe. Upon the conclusion of said hearing the Commission may affirm, modify, or revoke said order of revocation.

Senate Bill

1 should not be revoked. Said orders shall contain a statement
2 of the particulars and matters with respect to which the
3 Commission is inquiring and shall call upon the licensee to
4 appear before the Commission at a time and place therein
5 stated, but in no event less than thirty days after receipt
6 of such notice, and give evidence upon the matter specified
7 in said order: *Provided*, That where safety of life or prop-
8 erty is involved, the Commission may by order provide for
9 a shorter period of notice. If, after hearing, or a waiver
10 thereof by the licensee, the Commission determines that a
11 revocation order should issue, it shall make a report in
12 writing stating the findings of the Commission and the
13 grounds and reasons therefor and shall cause the same to
14 be served on said licensee, together with such order.

15 “(b) Where any person (1) has failed to operate sub-
16 stantially as set forth in an instrument of authorization, or
17 (2) has failed to observe any of the restrictions and con-
18 ditions of this Act or of a treaty ratified by the United
19 States, or (3) has violated or failed to observe any rule
20 or regulation of the Commission authorized by this Act,
21 the Commission may institute a proceeding by serving upon
22 such person an order to show cause why it should not cease
23 and desist from such action. Said order shall contain a
24 statement of the particulars and matters with respect to
25 which the Commission is inquiring and shall call upon

House Bill

1 “(4) for willful or repeated violation of, or willful
2 or repeated failure to observe, any provision of this Act
3 or any rule or regulation of the Commission authorized
4 by this Act or by a treaty ratified by the United States;
5 and

6 “(5) for violation of or failure to observe any cease
7 and desist order issued by the Commission under this
8 section.

9 “(b) Where any person (1) has failed to operate sub-
10 stantially as set forth in a license, or (2) has violated or
11 failed to observe any of the provisions of this Act, or
12 (3) has violated or failed to observe any rule or regulation
13 of the Commission authorized by this Act or by a treaty
14 ratified by the United States, the Commission may order such
15 person to cease and desist from such action.

16 “(c) Before revoking or suspending a license or revok-
17 ing a permit pursuant to subsection (a), or issuing a cease
18 and desist order pursuant to subsection (b), the Commission
19 shall serve upon the licensee, permittee, or person involved
20 an order to show cause why an order of revocation or suspen-
21 sion or a cease and desist order should not be issued. Any
22 such order to show cause shall contain a statement of the
23 matters with respect to which the Commission is inquiring and
24 shall call upon said licensee, permittee, or person to appear
25 before the Commission at a time and place stated in the order,

Present Act

Senate Bill

1 such person to appear before the Commission at a time
2 and place therein stated, but in no event less than thirty days
3 after receipt of such notice, and give evidence upon the
4 matter specified in said order. If, after hearing, or a waiver
5 thereof by such person, the Commission determines that a
6 cease-and-desist order should issue, it shall make a report in
7 writing stating the findings of the Commission and the
8 grounds and reasons therefor and shall cause the same to be
9 served on said person, together with such order.

House Bill

1 *but in no event less than thirty days after the receipt of such*
2 *order, and give evidence upon the matter specified therein;*
3 *except that where safety of life or property is involved, the*
4 *Commission may provide in the order for a shorter period.*
5 *If after hearing, or a waiver thereof, the Commission deter-*
6 *mines that an order of revocation or suspension or a cease and*
7 *desist order shall issue, it shall issue such order, which shall*
8 *include a statement of the findings of the Commission and*
9 *the grounds and reasons therefor and specify the effective*
10 *date of the order, and shall cause the same to be served on*
11 *said licensee, permittee, or person.*

12 “(d) *Except insofar as other provisions of this Act pro-*
13 *vide for specific forfeitures, in any case where subsection (a)*
14 *or (b) of this section authorizes the revocation or suspension*
15 *of a license, the revocation of a construction permit, or the*
16 *issuance of a cease and desist order, and in any case where*
17 *section 303 (m) of this Act provides for the suspension of an*
18 *operator’s license, the Commission may, in lieu of revoking*
19 *or suspending the license, or revoking the permit, or issuing*
20 *the cease and desist order, or in addition to issuing the cease*
21 *and desist order, direct the payment of a forfeiture to the*
22 *United States of the sum of \$500 for each day during which*
23 *any offense specified in subsection (a) or (b) of this section,*
24 *or in section 303 (m), occurred, or such lesser sum as the*
25 *Commission may find appropriate in the light of all of the*

Present Act

1 facts and circumstances of the particular case. Before the
2 imposition of any forfeiture herein provided for, the Com-
3 mission shall serve a notice of apparent liability for the
4 forfeiture of a specific sum of money, which sum may be
5 determined by the Commission on the basis of information
6 then before it. Such notice shall give a reasonable oppor-
7 tunity to apply for a hearing, or, if a hearing is waived,
8 to submit a written request for remission, or reduction in
9 the amount, of the forfeiture, such written request to be sup-
10 ported by a statement of the facts warranting remission or
11 reduction. The Commission, upon final determination of
12 the amount of any forfeiture, shall give notice thereof and
13 specify the time, not less than thirty days after receipt of
14 notice, within which to pay such sum into the Treasury of
15 the United States. If not paid within the period specified,
16 suit may be brought as provided in section 504 of this Act
17 for recovery of a forfeiture. In any case where the Com-
18 mission has served an order to show cause pursuant to sub-
19 section (c) of this section, the Commission, after hearing or
20 waiver thereof as therein provided, may, in lieu of revoking
21 or suspending a license, or revoking a permit, or issuing a
22 cease and desist order, or in addition to issuing a cease and
23 desist order, in such proceeding, impose the forfeiture pro-
24 vided for in this subsection. If a hearing is waived, a reason-
25 able opportunity shall be given to submit a written request

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1 *for remission, or reduction in the amount of the forfeiture,*
2 *supported by a statement of the facts warranting remission*
3 *or reduction. Any forfeiture ordered after the service of an*
4 *order to show cause shall be collected as provided above.*
5 “(e) *In any case where a hearing is conducted pursuant*
6 *to the provisions of this section, both the burden of proceeding*
7 *with the introduction of evidence and the burden of proof shall*
8 *be upon the Commission.*
9 “(f) *The provisions of section 9 (b) of the Administra-*
10 *tive Procedure Act which apply with respect to the institution*
11 *of any proceeding for the suspension or revocation of a*
12 *license or permit shall apply also with respect to the institu-*
13 *tion, under this section, of any proceeding for the issuance*
14 *of a cease and desist order or for the imposition of a*
15 *forfeiture.”*
16 *SEC. 11. That section 315 of the Communications Act of*
17 *1934 (47 U. S. C. 315) is amended to read as follows:*
18 “*FACILITIES FOR CANDIDATES FOR PUBLIC OFFICE*
19 “*SEC. 315. (a) If any licensee shall permit any legally*
20 *qualified candidate for any public office in a primary, general,*
21 *or other election, or any person authorized in writing by such*
22 *candidate to speak on his behalf, to use a broadcasting station,*
23 *such licensee shall afford equal opportunities in the use of*
24 *such broadcasting station to all other such candidates for that*

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22 SEC. 12. Part I of title III of such Act is amended by
23 adding the following new section:

1 office or to persons authorized in writing by such other can-
2 didates to speak on their behalf.
3 “(b) The licensee shall have no power to censor the ma-
4 terial broadcast by any person who is permitted to use its
5 station in any of the cases enumerated in subsection (a) or
6 who uses such station by reason of any requirement specified
7 in such subsection; and the licensee shall not be liable in any
8 civil or criminal action in any local, State, or Federal court
9 because of any material in such a broadcast, except in case
10 said licensee shall willfully, knowingly, and with intent to
11 defame participate in such broadcast.
12 “(c) Except to the extent expressly provided in subsec-
13 tion (a), nothing in this section shall impose upon any licensee
14 any obligation to allow the use of its broadcasting station by
15 any person.
16 “(d) The charges made for the use of any broadcasting
17 station for any of the purposes set forth in this section shall
18 not exceed the minimum charges made for comparable use of
19 such station for other purposes.
20 “(e) The Commission shall prescribe appropriate rules
21 and regulations to carry out the provisions of this section.”
22 SEC. 12. Such Act is amended by adding after section
23 315 the following section:

Senate Bill

1 "MODIFICATION BY COMMISSION OF CONSTRUCTION
2 PERMITS OR LICENSES
3 "SEC. 330. (a) Any station license granted under the
4 provisions of this Act or the construction permit required
5 thereby may be modified by the Commission either for a
6 limited time or for the duration of the term thereof, if in
7 the judgment of the Commission such action will promote
8 the public interest, convenience, and necessity, or the pro-
9 visions of this Act or of any treaty ratified by the United
10 States will be more fully complied with: *Provided*, That no
11 such order of modification shall become final until the holder
12 of such outstanding license or permit shall have been notified
13 in writing of the proposed action and the grounds and
14 reasons therefor, and shall have been given reasonable
15 opportunity, in no event less than thirty days, to show cause
16 by public hearing, if requested, why such order of modifica-
17 tion should not issue: *Provided*, That where safety of life
18 or property is involved, the Commission may by order pro-
19 vide for a shorter period of notice.
20 "(b) In any case where a hearing is conducted pur-
21 suant to the provisions of this section or section 312, both
22 the burden of proceeding with the introduction of evidence
23 and the burden of proof shall be upon the Commission."

House Bill

1 "MODIFICATION BY COMMISSION OF CONSTRUCTION
2 PERMITS OR LICENSES
3 "SEC. 316. (a) Any station license or construction
4 permit may be modified by the Commission either for a
5 limited time or for the duration of the term thereof, if in
6 the judgment of the Commission such action will promote
7 the public interest, convenience, and necessity, or the pro-
8 visions of this Act or of any treaty ratified by the United
9 States will be more fully complied with. No such order
10 of modification shall become final until the holder of the license
11 or permit shall have been notified in writing of the proposed
12 action and the grounds and reasons therefor, and shall have
13 been given reasonable opportunity, in no event less than
14 thirty days, to show cause by public hearing, if requested,
15 why such order of modification should not issue: *Provided*,
16 That where safety of life or property is involved, the Commis-
17 sion may by order provide for a shorter period of notice.
18 "(b) In any case where a hearing is conducted pur-
19 suant to the provisions of this section, both the burden of
20 proceeding with the introduction of evidence and the burden
21 of proof shall be upon the Commission."
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23

Present Act

Section 312.

(b) Any station license hereafter granted under the provisions of this Act or the construction permit required hereby and hereafter issued, may be modified by the Commission either for a limited time or for the duration of the term thereof, if in the judgment of the Commission such action will promote the public interest, convenience, and necessity, or the provisions of this Act or of any treaty ratified by the United States will be more fully complied with: *Provided, however*, That no such order of modification shall become final until the holder of such outstanding license or permit shall have been notified in writing of the proposed action and the grounds or reasons therefor and shall have been given reasonable opportunity to show cause why such an order of modification should not issue.

1 *SEC. 13. (a) The first sentence of subsection (a) of*
 2 *section 319 of such Act is amended by striking out the words*
 3 *“upon written application therefor”.*

4 *(b) Subsection (a) of section 319 of such Act is*
 5 *amended by striking out the second sentence thereof, and the*
 6 *third sentence thereof is amended by striking out “This*
 7 *application shall set forth” and inserting in lieu thereof*
 8 *“The application for a construction permit shall set forth”.*

9 *(c) Subsection (b) of section 319 of such Act is amended*
 10 *by striking out the second sentence thereof.*

11 *(d) Such section 319 is amended by striking out the*
 12 *last two sentences of subsection (b) thereof, and by inserting*
 13 *at the end of such section the following subsection:*

14 *“(c) Upon the completion of any station for the con-*
 15 *struction or continued construction of which a permit has*
 16 *been granted, and upon it being made to appear to the*
 17 *Commission that all the terms, conditions, and obligations set*
 18 *forth in the application and permit have been fully met, and*
 19 *that no cause or circumstance arising or first coming to the*
 20 *knowledge of the Commission since the granting of the permit*
 21 *would, in the judgment of the Commission, make the opera-*
 22 *tion of such station against the public interest, the Commission*
 23 *shall issue a license to the lawful holder of said permit for*
 24 *the operation of said station. Said license shall conform gen-*
 25 *erally to the terms of said permit. The provisions of section*

SEC. 319. (a) No license shall be issued under the authority of this Act for the operation of any station the construction of which is begun or is continued after this Act takes effect, unless a permit for its construction has been granted by the Commission upon written application therefor. The Commission may grant such permit if public convenience, interest, or necessity will be served by the construction of the station. This application shall set forth such facts as the Commission by regulation may prescribe as to the citizenship, character, and the financial, technical, and other ability of the applicant to construct and operate the station, the ownership and location of the proposed station and of the station or stations with which it is proposed to communicate, the frequencies desired to be used, the hours of the day or other periods of time during which it is proposed to operate the station, the purpose for which the station is to be used, the type of transmitting apparatus to be used, the power to be used, the date upon which the station is expected to be completed and in operation, and such other information as the Commission may require. Such application shall be signed by the applicant under oath or affirmation.²⁵

(b) Such permit for construction shall show specifically the earliest and latest dates between which the actual operation of such station is expected to begin, and shall provide that said permit will be automatically forfeited if the station is not ready for operation within the time specified or within such further time as the Commission may allow, unless prevented by causes not under the control of the grantee. The rights under any such permit shall not be assigned or otherwise transferred to any person without the approval of the Commission. A permit for construction shall not be required for Government stations, amateur stations, or stations upon mobile vessels, railroad rolling stock, or aircraft. Upon the completion of any station for the construction or continued construction of which a permit has been granted, and upon it being made to appear to the Commission that all the terms, conditions, and obligations set forth in the application and permit have been fully met, and that no cause or circumstance arising or first coming to the knowledge of the Commission since the granting of the permit would, in the judgment of the Commission, make the operation of such station against the public interest, the Commission shall issue a license to the lawful holder of said permit for the operation of said station. Said license shall conform generally to the terms of said permit.

²⁵ See Public 294, 76th Congress, approved August 5, 1939, 53 Stat. 1219; 48 U. S. C. A. 35 (b), authorizing postmasters in Alaska to administer oaths and affirmations.

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4 SEC. 13. Part I of title III of such Act is amended by
5 adding the following new section:
6 “LIMITATIONS ON QUASI-JUDICIAL POWERS
7 “SEC. 331. No license granted and issued under the
8 authority of this Act for the operation of any radio station
9 shall be modified by the Commission, except in the manner
10 provided in section 330 (a) hereof, and no such license
11 may be revoked, terminated, or otherwise invalidated by the
12 Commission, except in the manner and for the reasons pro-
13 vided in section 312 (a) hereof. When application is made
14 for renewal of an existing license, which cannot be disposed
15 of by the Commission under the provisions of section 309
16 (a) hereof, the Commission shall employ the procedure
17 specified in section 309 (b) hereof, except that in any hear-
18 ing subsequently held upon such application the burden of
19 proceeding with the evidence and of substantiating the
20 grounds and reasons specified by the Commission in the
21 formal notice of hearing issued pursuant to section 309 (b)
22 hereof shall be upon the appropriate division established by
23 the Commission under the provisions of section 5 (b) hereof
24 or upon any party or parties who may oppose such renewal;

1 309 (a), (b), and (c) shall not apply with respect to any
2 station license the issuance of which is provided for and
3 governed by the provisions of this subsection.”
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Senate Bill

House Bill

Present Act

1	but as a condition precedent to the renewal the Commission	1
2	shall affirmatively find that the public interest, convenience	2
3	and necessity will be served by such renewal. Pending such	3
4	hearing and final decision pursuant thereto the Commission	4
5	shall continue such license in effect.”	5
6	SEC. 14. The heading of section 401 of such Act is	6
7	amended to read:	7
8	“JURISDICTION TO ENFORCE ACT AND ORDERS OF	8
9	COMMISSION; DECLARATORY ORDERS”	9
10	and such section is amended by adding at the end thereof	10
11	a new subsection (e) as follows:	11
12	“(e) The Commission is authorized, in its sound dis-	12
13	cretion and with like effect as in the case of other orders,	13
14	to issue a declaratory order to terminate a controversy	14
15	or remove uncertainty. Notwithstanding the provisions	15
16	of section 5 (d) of the Act of June 11, 1946 (60 Stat.	16
17	239) declaratory orders shall be issued only upon the	17
18	petition of, and after notice to and opportunity for hear-	18
19	ing by, persons who are bona fide applicants for, or the	19
20	holders of, construction permits or licenses, or otherwise	20
21	subject to the jurisdiction of the Commission, and shall	21
22	not bind or affect the rights of persons who are not parties	22
23	to such proceedings. Such orders shall be available to	23
24	declare rights and other legal relations arising under the	24
25	provisions of any treaty ratified by the United States,	25

Senate Bill

1 under any provision of this Act, or under any order, rule,
2 regulation, term, condition, limitation, or requirement issued,
3 promulgated, or adopted by the Commission, whether or
4 not involving failure to comply therewith.”

5 SEC. 15. Section 402 of such Act is amended to read
6 as follows:

7 “SEC. 402. (a) The provisions of the Act of June
8 25, 1948 (62 Stat. 992), as amended, relating to the
9 enforcing or setting aside of orders of the Interstate Com-
10 merce Commission are hereby made applicable to suits
11 to enforce, enjoin, set aside, annul, or suspend any order
12 of the Commission under this Act (except those appeal-
13 able under the provisions of subsection (b) hereof), and
14 such suits are hereby authorized to be brought as pro-
15 vided in that Act. In addition to the venues specified
16 in that Act, suits to enjoin, set aside, annul, or suspend,
17 but not to enforce, any such order of the Commission may
18 also be brought in the United States District Court for
19 the District of Columbia.

20 “(b) Appeals may be taken from decisions and orders
21 of the Commission to the United States Court of Appeals
22 for the District of Columbia in any of the following cases:

23 “(1) By any applicant for any instrument of
24 authorization required by this Act, or the regulations of
25 the Commission made pursuant to this Act, for the con-

House Bill

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5 SEC. 14. Section 402 of such Act is amended to read
6 as follows:

7 “PROCEEDINGS TO ENJOIN, SET ASIDE, ANNUL, OR SUS-
8 PEND ORDERS OF THE COMMISSION

9 “SEC. 402. (a) Any proceeding to enjoin, set aside,
10 annul, or suspend any order of the Commission under this
11 Act (except those appealable under subsection (b) of this
12 section) shall be brought as provided by and in the manner
13 prescribed in Public Law 901, Eighty-first Congress,
14 approved December 29, 1950.

15 “(b) Appeals may be taken from decisions and orders
16 of the Commission to the United States Court of Appeals
17 for the District of Columbia in any of the following cases:

18 “(1) By any applicant for a construction permit
19 or station license, whose application is denied by the
20 Commission.

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Present Act

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SEC. 402. (a) The provisions of the Act of October 22, 1913 (38 Stat. 219), relating to the enforcing or setting aside of the orders of the Interstate Commerce Commission, are hereby made applicable to suits to enforce, enjoin, set aside, annul, or suspend any order of the Commission under this Act (except any order of the Commission granting or refusing an application for a construction permit for a radio station, or for a radio station license, or for renewal of an existing radio station license, or for modification of an existing radio station license, or suspending a radio operator's license ⁴³) and such suits are hereby authorized to be brought as provided in that Act.

⁴³ The words “or suspending a radio operator's license” were added by “An Act to amend the Communications Act of 1934, etc.” Public No. 97, 75th Congress, approved and effective May 20, 1937; 50 Stat. 197.

(b) An appeal may be taken, in the manner hereinafter provided, from decisions of the Commission to the Court of Appeals of the District of Columbia in any of the following cases:

(1) By any applicant for a construction permit for a radio station, or for a radio station license, or for renewal of an existing radio station license, or for modification of an existing radio station license, whose application is refused by the Commission.

(2) By any other person aggrieved or whose interests are adversely affected by any decision of the Commission granting or refusing any such application.

(3) ⁴⁴ By any radio operator whose license has been suspended by the Commission.

⁴⁴ This subsection was added by Public No. 97. See note 31 (p. 44).

⁴⁵ This part (secs. 351-362) was added by “An Act to amend the Communications Act of 1934, etc.” Public No. 97, 75th Congress, approved and effective May 20, 1937; 50 Stat. 192-197.

Senate Bill

struction or operation of apparatus for the transmission of energy, or communications, or signals by radio, whose application is denied by the Commission.

“(2) By any applicant for the renewal or modification of any such instrument of authorization whose application is denied by the Commission.

“(3) By any party to an application for authority to assign any such instrument of authorization or to transfer control of any corporation holding such instrument of authorization whose application is denied by the Commission.

“(4) By any applicant for the permit required by section 325 of this Act whose application has been denied by the Commission or any permittee under said section whose permit has been revoked by the Commission.

“(5) By the holder of any instrument of authorization required by this Act, or the regulations of the Commission made pursuant to this Act, for the construction or operation of apparatus for the transmission of energy, or communications or signals by radio, which instrument has been modified or revoked by the Commission.

“(6) By any other person who is aggrieved or whose interests are adversely affected by any order of the Commission granting or denying any application

House Bill

“(2) By any applicant for the renewal or modification of any such instrument of authorization whose application is denied by the Commission.

“(3) By any party to an application for authority to transfer, assign, or dispose of any such instrument of authorization, or any rights thereunder, whose application is denied by the Commission.

“(4) By any applicant for the permit required by section 325 of this Act whose application has been denied by the Commission, or by any permittee under said section whose permit has been revoked by the Commission.

“(5) By the holder of any construction permit or station license which has been modified, suspended, or revoked by the Commission.

“(6) By any other person who is aggrieved or whose interests are adversely affected by any order of the Commission granting or denying any application

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1 described in paragraphs (1), (2), (3), and (4)
2 hereof.

3 “(7) By any person upon whom an order to cease
4 and desist has been served under section 312 (b) of
5 this Act.

6 “(8) By any party to a proceeding under section
7 401 who is aggrieved or whose interests are adversely
8 affected by a declaratory order entered by the
9 Commission.

10 “(9) By any radio operator whose license has been
11 suspended by the Commission.

12 “(c) Such appeal shall be taken by filing a notice of
13 appeal with the court within thirty days after the entry
14 of the order complained of. Such notice of appeal shall
15 contain a concise statement of the nature of the proceedings
16 as to which the appeal is taken; a concise statement of the
17 reasons on which the appellant intends to rely, separately
18 stated and numbered; and proof of service of a true copy
19 of said notice and statement upon the Commission. Upon
20 filing of such notice, the court shall have exclusive juris-
21 diction of the proceedings and of the questions determined
22 therein and shall have power, by order, directed to the Com-
23 mission or any other party to the appeal, to grant such
24 temporary relief as it may deem just and proper. Orders

House Bill

1 *described in paragraphs (1), (2), (3), and (4)*
2 *hereof.*

3 “(7) *By any person upon whom an order to cease*
4 *and desist has been served under section 312 of this*
5 *Act.*

6 “(8) *By any radio operator whose license has been*
7 *suspended by the Commission.*

10 “(c) *Such appeal shall be taken by filing a notice of*
13 *appeal with the court within thirty days from the date upon*
14 *which public notice is given of the decision or order com-*
15 *plained of. Such notice of appeal shall contain a concise*
16 *statement of the nature of the proceedings as to which the*
17 *appeal is taken; a concise statement of the reasons on which*
18 *the appellant intends to rely, separately stated and numbered;*
19 *and proof of service of a true copy of said notice and*
20 *statement upon the Commission. Upon filing of such notice,*
21 *the court shall have jurisdiction of the proceedings and of*
22 *the questions determined therein and shall have power, by*
23 *order, directed to the Commission or any other party to*
24 *the appeal, to grant such temporary relief as it may deem*

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(c) Such appeal shall be taken by filing with said court within twenty days after the decision complained of is effective, notice in writing of said appeal and a statement of the reasons therefor, together with proof of service of a true copy of said notice and statement upon the Commission. Unless a later date is specified by the Commission as part of its decision, the decision complained of shall be considered to be effective as of the date on which public announcement of the decision is made at the office of the Commission in the city of Washington. The Commission shall thereupon immediately, and in any event not later than five days from the date of such service upon it, mail or otherwise deliver a copy of said notice of appeal to each person shown by the records of the Commission to be interested in such appeal and to have a right to intervene therein under the provisions of this section, and shall at all times thereafter permit any such person to inspect and make copies of the appellant's statement of reasons for said appeal at the office of the Commission in the city of Washington. Within thirty days after the filing of said appeal the Commission shall file with the court the originals or certified copies of all papers and evidence presented to it upon the application or order involved, and also a like copy of its decision thereon, and shall within thirty days thereafter file a full statement in writing of the facts and grounds for its decision as found and given by it, and a list of all interested persons to whom it has mailed or otherwise delivered a copy of said notice of appeal.

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1 granting temporary relief may be either affirmative or nega-
2 tive in their scope and application so as to permit either the
3 maintenance of the status quo in the matter in which the
4 appeal is taken, or the restoration of a position or status
5 terminated or adversely affected by the order appealed from
6 and shall, unless otherwise ordered by the court, be effective
7 pending hearing and determination of said appeal and com-
8 pliance by the Commission with the final judgment of the
9 court rendered in said appeal.

10 “(d) Upon the filing of any such notice of appeal the
11 Commission shall, not later than five days after the date
12 of service upon it, notify each person shown by the records
13 of the Commission to be interested in said appeal of the
14 filing and pendency of the same and shall thereafter permit
15 any such person to inspect and make copies of said notice
16 and statement of reasons therefor at the office of the Com-
17 mission in the city of Washington. Within thirty days after
18 the filing of an appeal, the Commission shall file with the
19 court a copy of the order complained of, a full statement in
20 writing of the facts and grounds relied upon by it in support
21 of the order involved upon said appeal, and the originals or
22 certified copies of all papers and evidence presented to and
23 considered by it in entering said order.

House Bill

1 *just and proper. Orders granting temporary relief may*
2 *be either affirmative or negative in their scope and applica-*
3 *tion so as to permit either the maintenance of the status quo*
4 *in the matter in which the appeal is taken or the restora-*
5 *tion of a position, or status terminated or adversely affected*
6 *by the order appealed from and shall, unless otherwise or-*
7 *dered by the court, be effective pending hearing and deter-*
8 *mination of said appeal and compliance by the Commission*
9 *with the final judgment of the court rendered in said appeal.*

10 “(d) Upon the filing of any such notice of appeal the
11 Commission shall, not later than five days after the date
12 of service upon it, notify each person shown by the records
13 of the Commission to be interested in said appeal of the
14 filing and pendency of the same and shall thereafter permit
15 any such person to inspect and make copies of said notice
16 and statement of reasons therefor at the office of the Com-
17 mission in the city of Washington. Within thirty days after
18 the filing of an appeal, the Commission shall file with the
19 court a copy of the order complained of, a full statement in
20 writing of the facts and grounds relied upon by it in support
21 of the order involved upon said appeal, and the originals or
22 certified copies of all papers and evidence presented to and
23 considered by it in entering said order.

Present Act

Senate Bill

1 “(e) Within thirty days after the filing of an appeal
2 any interested person may intervene and participate in the
3 proceedings had upon said appeal by filing with the court
4 a notice of intention to intervene and a verified statement
5 showing the nature of the interest of such party, together
6 with proof of service of true copies of said notice and state-
7 ment, both upon appellant and upon the Commission. Any
8 person who would be aggrieved or whose interest would be
9 adversely affected by a reversal or modification of the order
10 of the Commission complained of shall be considered an
11 interested party.

12 “(f) The record and briefs upon which any such appeal
13 shall be heard and determined by the court shall contain
14 such information and material, and shall be prepared within
15 such time and in such manner as the court may by rule
16 prescribe.

17 “(g) At the earliest convenient time the court shall hear
18 and determine the appeal upon the record before it in the
19 manner prescribed by section 10 (e) of the Act of June 11,
20 1946 (60 Stat. 243).

21 “(h) In the event that the court shall render a decision
22 and enter an order reversing the order of the Commission,
23 it shall remand the case to the Commission to carry out the
24 judgment of the court and it shall be the duty of the Com-
25 mission, in the absence of the proceedings to review such

House Bill

1 “(e) Within thirty days after the filing of any such
2 appeal any interested person may intervene and participate
3 in the proceedings had upon said appeal by filing with the
4 court a notice of intention to intervene and a verified state-
5 ment showing the nature of the interest of such party, together
6 with proof of service of true copies of said notice and state-
7 ment, both upon appellant and upon the Commission. Any
8 person who would be aggrieved or whose interest would be
9 adversely affected by a reversal or modification of the order
10 of the Commission complained of shall be considered an
11 interested party.

12 “(f) The record and briefs upon which any such appeal
13 shall be heard and determined by the court shall contain
14 such information and material, and shall be prepared within
15 such time and in such manner as the court may by rule
16 prescribe.

17 “(g) At the earliest convenient time the court shall hear
18 and determine the appeal upon the record before it in the
19 manner prescribed by section 10 (e) of the Administrative
20 Procedure Act.

21 “(h) In the event that the court shall render a decision
22 and enter an order reversing the order of the Commission,
23 it shall remand the case to the Commission to carry out the
24 judgment of the court and it shall be the duty of the Com-
25 mission, in the absence of the proceedings to review such

Present Act

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(d) Within thirty days after the filing of said appeal any interested person may intervene and participate in the proceedings had upon said appeal by filing with the court a notice of intention to intervene and a verified statement showing the nature of the interest of such party, together with proof of service of true copies of said notice and statement, both upon appellant and upon the Commission. Any person who would be aggrieved or whose interests would be adversely affected by a reversal or modification of the decision of the Commission complained of shall be considered an interested party.

Senate Bill

1 judgment, to forthwith give effect thereto, and unless other-
2 wise ordered by the court, to do so upon the basis of the
3 proceedings already had and the record upon which said
4 appeal was heard and determined.

5 “(i) The court may, in its discretion, enter judgment
6 for costs in favor of or against an appellant, or other inter-
7 ested parties intervening in said appeal, but not against the
8 Commission, depending upon the nature of the issues in-
9 volved upon said appeal and the outcome thereof.

10 “(j) The court’s judgment shall be final, subject, how-
11 ever, to review by the Supreme Court of the United States
12 as hereinafter provided—

13 “(1) an appeal may be taken direct to the Supreme
14 Court of the United States in any case wherein the juris-
15 diction of the court is invoked, or sought to be invoked,
16 for the purpose of reviewing any decision or order
17 entered by the Commission in proceedings instituted by
18 the Commission which have as their object and purpose
19 the revocation of an existing license or any decision or
20 order entered by the Commission in proceedings which
21 involve the failure or refusal of the Commission to renew
22 an existing license. Such appeal shall be taken by the
23 filing of an application therefor or notice thereof within
24 thirty days after the entry of the judgment sought to be
25 reviewed, and in the event such an appeal is taken the

House Bill

1 judgment, to forthwith give effect thereto, and unless other-
2 wise ordered by the court, to do so upon the basis of the
3 proceedings already had and the record upon which said
4 appeal was heard and determined.

5 “(i) The court may, in its discretion, enter judgment
6 for costs in favor of or against an appellant, or other inter-
7 ested parties intervening in said appeal, but not against the
8 Commission, depending upon the nature of the issues in-
9 volved upon said appeal and the outcome thereof.

10 “(j) The court’s judgment shall be final, subject, how-
11 ever, to review by the Supreme Court of the United States
12 upon writ of certiorari on petition therefor under section
13 1254 of title 28 of the United States Code, by the appellant,
14 by the Commission, or by any interested party intervening
15 in the appeal, or by certification by the court pursuant to the
16 provisions of that section.”
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Present Act

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(f) The court may, in its discretion, enter judgment for costs in favor of or against an appellant, and/or other interested parties intervening in said appeal, but not against the Commission, depending upon the nature of the issues involved upon said appeal and the outcome thereof.

Section 402.

402 (e) At the earliest convenient time the court shall hear and determine the appeal upon the record before it, and shall have power, upon such record, to enter a judgment affirming or reversing the decision of the Commission, and in event the court shall render a decision and enter an order reversing the decision of the Commission, it shall remand the case to the Commission to carry out the judgment of the court: *Provided, however,* That the review by the court shall be limited to questions of law and that findings of fact by the Commission, if supported by substantial evidence, shall be conclusive unless it shall clearly appear that the findings of the Commission are arbitrary or capricious. The court’s judgment shall be final, subject, however, to review by the Supreme Court of the United States upon writ of certiorari on petition therefor under section 240 of the Judicial Code, as amended, by appellant, by the Commission, or by any interested party intervening in the appeal.

Senate Bill

House Bill

Present Act

1 record shall be made up and the case docketed in the
2 Supreme Court of the United States within sixty days
3 from the time such an appeal is allowed under such rules
4 as may be prescribed;

5 “(2) in all other cases, review by the Supreme
6 Court of the United States shall be upon writ of certi-
7 orari on petition therefor under section 240 of the
8 Judicial Code, as amended, by the appellant, by the
9 Commission, or by any interested party intervening in
10 the appeal, or by certification by the court pursuant to
11 the provision of section 239 of the Judicial Code, as
12 amended.”

13 SEC. 16. The heading of section 405 of such Act is
14 amended to read:

15 “REHEARINGS BEFORE COMMISSION”
16 and such section is amended to read as follows:

17 “SEC. 405. (a) After a decision, order, or requirement
18 has been made by the Commission in any proceeding, any
19 party thereto, or any other person aggrieved or whose inter-
20 ests are adversely affected thereby, may petition for rehear-
21 ing. Petitions for rehearing must be filed within thirty days
22 from the entry of any decision, order, or requirement com-
23 plained of and except for those cases in which the decision,
24 order, or requirement challenged is necessary for the mainte-

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13 *SEC. 15. Section 405 of such Act is amended to read*
14 *as follows:*

15 “REHEARINGS BEFORE COMMISSION
16 “SEC. 405. *After a decision, order, or requirement has*
17 *been made by the Commission in any proceeding, any party*
18 *thereto, or any other person aggrieved or whose interests*
19 *are adversely affected thereby, may petition for rehear-*
20 *ing; and it shall be lawful for the Commission, in its*
21 *discretion, to grant such a rehearing if sufficient reason*
22 *therefor be made to appear. Petitions for rehearing*
23 *must be filed within thirty days from the date upon*
24 *which public notice is given of any decision, order, or*

REHEARING BEFORE COMMISSION

SEC. 405. After a decision, order, or requirement has been made by the Commission in any proceeding, any party thereto may at any time make application for rehearing of the same, or any matter determined therein, and it shall be lawful for the Commission in its discretion to grant such a rehearing if sufficient reason therefor be made to appear: *Provided, however,* That in the case of a decision, order, or requirement made under title III, the time within which application for rehearing may be made shall be limited to twenty days after the effective date thereof, and such application may be made by any party or any person aggrieved or whose interests are adversely affected thereby. Applications for rehearing shall be governed by such general rules as the Commission may establish. No such application shall excuse any person from complying with or obeying any decision, order, or requirement of the Commission, or operate in any manner to stay or postpone the enforcement thereof, without the special order of the Commission. In case a rehearing is granted, the proceedings thereupon shall conform as nearly as may be to the proceedings in an original hearing, except as the Commission may otherwise direct; and if, in its judgment, after such rehearing and the consideration of all facts, including those arising since the former hearing, it shall appear that the original decision, order, or requirement is in any respect unjust or unwarranted, the Commission may reverse, change, or modify the same accordingly. And decision, order, or requirement made after such hearing, reversing, changing, or modifying the original determination, shall be subject to the same provisions as an original order.

Senate Bill

1 nance or conduct of an existing service, the filing of such a
2 petition shall automatically stay the effective date thereof until
3 after decision on said petition. The filing of a petition for re-
4 hearing shall not be a condition precedent to judicial review
5 of any such decision, order, or requirement, except where
6 the party seeking such review was not a party to the proceed-
7 ings resulting in such decision, order, or requirement, or
8 where the party seeking such review relies on questions of fact
9 or law upon which the Commission has been afforded no
10 opportunity to pass. Rehearings shall be governed by such
11 general rules as the Commission may establish: *Provided,*
12 That, except for newly discovered evidence or evidence other
13 wise available only since the original taking of evidence, no
14 evidence shall be taken on any rehearing. The time within
15 which an appeal must be taken under section 402 (b) hereof
16 shall be computed from the date upon which orders are
17 entered disposing of all petitions for rehearing filed in any
18 case, but any decision, order, or requirement made after such
19 rehearing reversing, changing, or modifying the original
20 determination shall be subject to the same provisions with
21 respect to rehearing as an original order.”

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24 SEC. 17. Section 409 (a) of such Act is amended to
25 read as follows:

House Bill

1 *requirement complained of. No such application shall*
2 *excuse any person from complying with or obeying any*
3 *decision, order, or requirement of the Commission,*
4 *or operate in any manner to stay or postpone the*
5 *enforcement thereof, without the special order of the*
6 *Commission. The filing of a petition for rehearing shall*
7 *not be a condition precedent to judicial review of any such*
8 *decision, order, or requirement, except where the party seek-*
9 *ing such review (1) was not a party to the proceedings*
10 *resulting in such decision, order or requirement, or (2)*
11 *relies on questions of fact or law upon which the*
12 *Commission has been afforded no opportunity to pass.*
13 *Rehearings shall be governed by such general rules*
14 *as the Commission may establish. The time within which*
15 *a petition for review must be filed in a proceeding to which*
16 *section 402 (a) applies, or within which an appeal must be*
17 *taken under section 402 (b), shall be computed from the date*
18 *upon which public notice is given of orders disposing of all*
19 *petitions for rehearing filed in any case, but any decision,*
20 *order, or requirement made after such rehearing reversing,*
21 *changing, or modifying the original order shall be subject*
22 *to the same provisions with respect to rehearing as an origi-*
23 *nal order.”*

24 SEC. 16. (a) Section 409 (a) of such Act is amended
25 to read as follows:

Present Act

Senate Bill

1 “SEC. 409. (a) Notwithstanding the provisions of sec-
2 tion 7 (a) of the Act of June 11, 1946 (60 Stat. 241),
3 all cases in which a hearing is required by the provisions
4 of this Act or by other applicable provisions of law shall
5 be conducted by the Commission or by one or more examiners
6 provided for in section 11 of the Act of June 11, 1946
7 (60 Stat. 244), designated by the Commission. The officer
8 or officers presiding at any such hearing shall have the same
9 authority and duties exercised in the same manner and sub-
10 ject to the same conditions specified in section 7 of that Act.

11 “(b) Notwithstanding the provisions of section 8 of the
12 Act of June 11, 1946 (60 Stat. 242), the officer or officers
13 conducting a hearing shall prepare and file an intermediate
14 report. In all such cases the Commission shall permit the
15 filing of exceptions to such intermediate report by any party
16 to the proceeding and shall, upon request, hear oral argument
17 on such exceptions before the entry of any final decision,
18 order, or requirement. All decisions, including the inter-
19 mediate report, shall become a part of the record and shall
20 include a statement of (1) findings and conclusions, as well
21 as the basis therefor, upon all material issues of fact, law,
22 or discretion, presented on the record; and (2) the appro-
23 priate decision, order, or requirement.

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House Bill

1 “SEC. 409. (a) *In every case of adjudication (as*
2 *defined in the Administrative Procedure Act) which has*
3 *been designated for a hearing by the Commission, the hear-*
4 *ing shall be conducted by the Commission or by one or more*
5 *examiners provided for in section 11 of the Administrative*
6 *Procedure Act, designated by the Commission.*

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11 “(b) *The officer or officers conducting a hearing to*
12 *which subsection (a) applies shall prepare and file an initial*
13 *decision, except where the hearing officer becomes unavailable*
14 *to the Commission or where the Commission finds upon the*
15 *record that due and timely execution of its functions impera-*
16 *tively and unavoidably require that the record be certified*
17 *to the Commission for initial or final decision. In all such*
18 *cases the Commission shall permit the filing of exceptions*
19 *to such initial decision by any party to the proceeding and*
20 *shall, upon request, hear oral argument on such exceptions*
21 *before the entry of any final decision, order, or requirement.*
22 *All decisions, including the initial decision, shall become a*
23 *part of the record and shall include a statement of (1) find-*
24 *ings and conclusions, as well as the basis therefor, upon all*
25 *material issues of fact, law, or discretion, presented on the*

Present Act

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GENERAL PROVISIONS RELATING TO PROCEEDINGS—WITNESSES AND DEPOSITIONS

SEC. 409. (a) Any member or examiner of the Commission, or the director of any division, when duly designated by the Commission for such purpose, may hold hearings, sign and issue subpoenas, administer oaths, examine witnesses, and receive evidence at any place in the United States designated by the Commission; except that in the administration of title III an examiner may not be authorized to exercise such powers with respect to a matter involving (1) a change of policy by the Commission, (2) the revocation of a station license, (3) new devices or developments in radio, or (4) a new kind of use of frequencies. In all cases heard by an examiner the Commission shall hear oral arguments on request of either party.

Senate Bill

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3 “(c) Notwithstanding the provisions of section 5 (c) of
4 the Act of June 11, 1946 (60 Stat. 239), no officer conduct-
5 ing a hearing pursuant to (a) and (b) hereof shall, except
6 to the extent required for the disposition of ex parte matters
7 as authorized by law, consult any person or party on any
8 fact or question of law in issue, unless upon notice and
9 opportunity for all parties to participate; nor shall such
10 officer be responsible to or subject to the supervision or direc-
11 tion of any other person engaged in the performance of
12 investigative, prosecuting, or other functions for the Com-
13 mission or any other agency of the Government. No person
14 or persons engaged in the performance of investigative or
15 prosecuting functions for the Commission or for any other
16 agency of the Government shall participate or advise in the
17 proceedings described in (a) and (b) hereof, except as a
18 witness or counsel in public proceedings. The Commission
19 shall not employ attorneys or other persons for the purpose
20 of reviewing transcripts or preparing intermediate reports
21 of final decisions, except that this shall not apply to the
22 review staff provided by subsection 5 (b) and to legal
23 assistants assigned separately to a Commission member who
24 may, for such Commission member, review such transcripts
25 and prepare such drafts. No intermediate report shall be

House Bill

1 *record; and (2) the appropriate decision, order, or*
2 *requirement.*
3 “(c) (1) *In any case of adjudication (as defined in*
4 *the Administrative Procedure Act) which has been designated*
5 *for a hearing by the Commission, no examiner conducting*
6 *or participating in the conduct of such hearing shall, except*
7 *to the extent required for the disposition of ex parte matters*
8 *as authorized by law, consult any person (except another*
9 *examiner participating in the conduct of such hearing) on*
10 *any fact or question of law in issue, unless upon notice and*
11 *opportunity for all parties to participate. In the perform-*
12 *ance of his duties, no such examiner shall be responsible to*
13 *or subject to the supervision or direction of any person en-*
14 *gaged in the performance of investigative, prosecutory, or*
15 *other functions for the Commission or any other agency of*
16 *the Government. No examiner conducting or participating*
17 *in the conduct of any such hearing shall advise or consult*
18 *with the Commission or any member or employee of the Com-*
19 *mission (except another examiner participating in the conduct*
20 *of such hearing) with respect to the initial decision in the*
21 *case or with respect to exceptions taken to the findings, rulings,*
22 *or recommendations made in such case.*
23 “(2) *In any case of adjudication (as defined in the*
24 *Administrative Procedure Act) which has been designated*
25 *for a hearing by the Commission, no commissioner, and no*

Present Act

Senate Bill

1 reviewed either before or after its publication by any person
2 other than a member of the Commission or his legal assist-
3 ant, or review board as above provided, and no examiner,
4 who conducts a hearing, shall advise or consult with the
5 Commission with respect to his intermediate report or with
6 respect to exceptions taken to his findings, rulings, or
7 recommendations.”

House Bill

1 *professional assistant appointed by a commissioner as au-*
2 *thorized by section 4 (f) (2), shall (except to the extent*
3 *required for the disposition of ex parte matters as authorized*
4 *by law) consult on any fact or question of law in issue, or*
5 *receive any recommendations from, any other person, unless*
6 *upon notice and opportunity for all parties to participate;*
7 *except that the foregoing provisions of this paragraph—*

8 “(A) shall not restrict consultation, or the making
9 of recommendations, between a commissioner and another
10 commissioner or commissioners or between a commissioner
11 and the professional assistant appointed by him under
12 authority of section (4) (f) (2); and

13 “(B) shall not restrict commissioners in obtaining
14 from members of the review staff the limited assistance
15 authorized by section 5 (c).

16 “(3) No person or persons engaged in the performance
17 of investigative or prosecuting functions for the Commission,
18 or in any litigation before any court in any case arising
19 under this Act, shall advise, consult, or participate in any
20 case of adjudication (as defined in the Administrative Pro-
21 cedure Act) which has been designated for a hearing by the
22 Commission, except as a witness or counsel in public
23 proceedings.

24 “(d) To the extent that the foregoing provisions of this

Present Act

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4 (b) Subsections (b), (c), (d), (e), (f), (g), (h),
5 (i), and (j) of section 409 are amended to read subsec-
6 tions (d), (e), (f), (g), (h), (i), (j), (k), and (l),
7 respectively.
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21 SEC. 18. Section 414 of such Act is amended by adding
22 at the end thereof the following: "Except as specifically
23 provided in this Act the provisions of the Act of June 11,
24 1946 (60 Stat. 237 shall apply in all proceedings under
25 this Act."

1 section are in conflict with provisions of the Administra-
2 tive Procedure Act, such provisions of this section shall be
3 held to supersede and modify the provisions of that Act."
4 (b) Subsections (b), (c), (d), (e), (f), (g), (h),
5 (i), and (j) of section 409 are hereby redesignated as subsec-
6 tions (e), (f), (g), (h), (i), (j), (k), (l), and (m),
7 respectively.
8 SEC. 17. Section 410 (a) of such Act is amended by
9 striking out the first sentence thereof, and by inserting in
10 lieu of such sentence the following: "Except as provided in
11 section 409, the Commission may refer any matter arising
12 in the administration of this Act to a joint board to be com-
13 posed of a member, or of an equal number of members, as
14 determined by the Commission, from each of the States in
15 which the wire or radio communication affected by or in-
16 volved in the proceeding takes place or is proposed. For
17 purposes of acting upon such matter any such board shall
18 have all the jurisdiction and powers conferred by law upon
19 the Commission, and shall be subject to the same duties and
20 obligations."
21 SEC. 18. This Act shall take effect on the first day of the
22 first month which begins more than sixty days after the date
23 of its enactment, but—
24 (1) Insofar as the amendments made by this Act to the
25 Communications Act of 1934 provide for procedural

SEC. 410. (a) The Commission may refer any matter arising in the admin-
istration of this Act to a joint board to be composed of a member, or of an equal
number of members, as determined by the Commission, from each of the States
in which the wire or radio communication affected by or involved in the pro-
ceeding takes place or is proposed, and any such board shall be vested with
the same powers and be subject to the same duties and liabilities as in the case
of a member of the Commission when designated by the Commission to hold a
hearing as hereinbefore authorized. The action of a joint board shall have such
force and effect and its proceedings shall be conducted in such manner as the
Commission shall by regulations prescribe. The joint board member or mem-
bers for each State shall be nominated by the State commission of the State
or by the Governor if there is no State commission, and appointed by the
Federal Communications Commission. The Commission shall have discretion
to reject any nominee. Joint board members shall receive such allowances for
expenses as the Commission shall provide.

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5 SEC. 19. Chapter 63 of the Criminal Code, title 18, is
6 amended by inserting a new section as follows:

7 "FRAUD BY RADIO

8 "SEC. 1343. Whoever, having devised or intending to
9 devise any scheme or artifice to defraud, or for obtaining
10 money or property by means of false or fraudulent pre-
11 tenses, representations, or promises, shall transmit or cause
12 to be transmitted by means of radio communication or inter-
13 state wire communication, any writings, signs, signals, pic-
14 tures, or sounds for the purpose of executing such scheme
15 or artifice, or whoever operating any radio station for which
16 a license is required by any law of the United States, know-
17 ingly permits the transmission of any such communication,
18 shall be fined not more than \$10,000 or imprisoned not more
19 than five years, or both."

20 SEC. 20. If any provision of this Act or the application
21 thereof to any person or circumstance is held invalid, the
22 remainder of the Act and the application of such pro-

1 *changes, requirements imposed by such changes shall not be*
2 *mandatory as to any agency proceeding (as defined in the*
3 *Administrative Procedure Act) initiated prior to the date*
4 *on which this Act takes effect.*

5 *(2) The amendments made by this Act to section 402*
6 *of the Communications Act of 1934 (relating to judicial*
7 *review of orders and decisions of the Commission) shall not*
8 *apply with respect to any action or appeal which is pending*
9 *before any court on the date on which this Act takes effect.*

Attest:

Clerk.

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1 vision to other persons or circumstances shall not be affected

2 thereby.

Passed the Senate February 5 (legislative day, January 29), 1951.

Attest:

LESLIE L. BIFFLE,

Secretary.

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